

City of Hoboken

94 Washington Street
Hoboken, NJ 07030

Dawn Zimmer
Mayor



Ann Holtzman
Zoning Officer

Ph. 201.420.2063
aholtzman@hobokennj.gov

SIDEWALK CAFÉ LICENSE APPLICATION

Business Name: _____

Business Address: _____

Owner/Operator Name: _____

Owner/Operator Address: _____

24-Hour Contact Phone: _____

Email Address: _____

Check list of documents that must be submitted with application:

- ☐ Certificate of Liability Insurance ☐ Hoboken Board of Health approval
- ☐ If this is the first time applying for a café license, or if the café area has changed since last year, a photo and sketch of the proposed café area must be provided showing the following details:
- a. Width – the distance from side to side;
 - b. Depth – the distance from façade wall to outer railing;
 - c. Width of public sidewalk – the distance from outer railing to the curb;
 - d. Identification of entrances to the building including the restaurant entrance and any residential entrances; and
 - e. Number and placement of tables, chairs and any other café equipment.

I, _____, as a representative of the above named business, do hereby acknowledge that I have received, read and am legally bound by all sidewalk café compliance requirements as set forth in chapter §168, Article V of the Municipal Code of the City of Hoboken and the “Sidewalk Café Licensing Requirements” attached hereto, and that noncompliance with said requirements may result in citations, fines and/or the loss of my café license.

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SIDEWALK CAFÉ LICENSING REQUIREMENTS

Term of License and Hours of Operation

- A. Licenses are now annual starting on January 1st and expire on December 31st of each year.
- B. Sidewalk café operations are permitted year round, **except that no cafés shall be operated on the first Saturday in March, or when there is snow obstructing any part of the sidewalk.**
- C. Hours of operation are 8:00 a.m. and 11:00 p.m. seven (7) days a week; except that no alcoholic beverages, where permitted, shall be served in a sidewalk café before 11:00 a.m. or when restricted by State or Local Alcoholic Beverage Control (ABC) laws.

Application, Insurance Requirements, and Annual Fees for Sidewalk Cafes

- A. Applicants for a sidewalk café shall submit the following documents;
 - 1. A completed application form available through the Zoning Office and on the City's web site.
 - 2. Proof of insurance:
 - a. A copy of the restaurant's certificate of liability insurance in a minimum amount of one million (\$1,000,000) dollars per occurrence and two million (\$2,000,000) in aggregate, naming the City of Hoboken and its agents, servants, and employees as additional insured.
 - b. The policy shall be kept in full force and effect during the licensing period.
 - c. The policy of insurance must be occurrence based coverage.
 - d. Each Certificate of Insurance required hereunder shall include a thirty (30) day cancellation clause which shall provide notice to the Office of the City Clerk of the City of Hoboken. Any laps in insurance coverage, for any reason, will result in the immediate suspension of the café license.
 - 3. A letter from the City of Hoboken Health Department confirming that the applicant restaurant is in good standing.
 - 4. **First time applicants** shall submit scale drawings of the proposed sidewalk café by a licensed architect or engineer and photos of the property.
 - a. All buildings, trees and street furniture within ten (10) feet of the proposed café must be included in the plans.
 - b. All tables, chairs and accessory equipment must also be shown.
 - 7. **Applicants for renewal** of a previously licensed café shall submit a photo and sketch of the location and dimensions of the sidewalk café, the number and placement of tables and chairs, and all other accessory equipment and information deemed necessary by the Zoning Officer only if the proposed café setup has changed, or the sidewalk café is located on a street that has had obstructions added, removed or altered since its last licensing, or in front of a building that has been significantly altered since the last licensing.
- B. Fees. Upon approval, a successful applicant for a sidewalk café shall pay an annual license fee of two (2) dollars per square foot of café area, with no proration for a partial year.

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General Requirements for Operation of a Sidewalk Café

- A. No person may operate a sidewalk café without obtaining a license from the Zoning Officer of the City of Hoboken. The license must be on premises and displayed in an unobstructed location.
- B. Sidewalk cafes are permitted only in association with an open, operating restaurant.
- C. Sidewalk café are permitted to project into a sidewalk one half of the width of the sidewalk or eight (8) feet, whichever is less, but in no case shall it extend so far as to leave less than six (6) feet of unobstructed egress for pedestrian traffic; except on Washington Street south of 7th where the sidewalk is twenty (20) feet or more wide from the building line to the curb, then a sidewalk café may be permitted to project into the sidewalk a maximum of ten (10) feet.
- D. Where an operating restaurant is located on a corner, both the front and side sidewalk areas fronting the restaurant may be used for the sidewalk café.
- E. No permanent form of space delineation or construction for the sidewalk café will be permitted within the public right-of-way unless expressly approved by the governing body.
- F. The sidewalk café area shall be partitioned on three sides, by a movable structure separating the sidewalk café from the public portion of the sidewalk, and which is no less than thirty (30) inches in height and no more than thirty-six (36) inches in height, providing one opening for entrance and exit which is no less than forty-two (42) inches in width and no more than sixty (60) inches in width, and whose boundaries allow patrons and pedestrians to clearly ascertain the entrance and exit to the sidewalk café area.
- G. Sidewalk cafes with four (4) seats or less shall be exempt from the partition requirements provided the projection into the sidewalk is less than three (3) feet.
- H. At no time shall the sidewalk café partition, tables, chairs, and other café furniture block any residential entrance.
- I. The sidewalk café shall have an overhead covering, consisting of either individual umbrellas or a retractable awning covering all tables and chairs. Covering must have a minimum clearance of seven (7) feet from the sidewalk to the bottom of the awning/umbrella.
- J. The sidewalk café partition and overhead covering shall be appropriate in style to the façade of the building and shall not contain advertising.
- K. The sidewalk café shall be at the same elevation as the sidewalk. Paint, carpet, platforms, or any other surface cover or treatment of any kind shall not be permitted in the area of the sidewalk café, unless expressly permitted by the governing body.
- L. Outside speakers or other sound reproduction devices shall not be operated or used within a sidewalk café for any reason.
- M. Smoking shall not be permitted within a sidewalk café.
- N. The sidewalk café partition, overhead covering, and all tables, chairs, and other café furniture shall be removed from the sidewalk at the close of business each day. Where planters have been approved as a part of the movable structure, those planters shall be placed against the storefront façade over night.
- O. The entire sidewalk area in front of the premises, including eighteen (18) inches into the street, must be maintained by sweeping or washing daily or more frequently, as needed, by the licensee.

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- P. No preparation of food or beverages shall take place outdoors but shall be restricted to the inside of the licensed establishment.
- Q. Food service shall be available during all times in which the sidewalk café is open for business.
- R. Restaurants which hold a liquor license, and who wish to extend service to the sidewalk café shall have completed a "Place to Place / Expansion of Premises" application with the Alcoholic Beverage Control Board. Licensees not covered for the sidewalk area shall not be permitted to serve alcoholic beverages in the sidewalk café.
- S. Sidewalk cafés that permit patrons to bring their own beer or wine shall adhere to all laws governing B.Y.O.B. as set forth in N.J.S.A. Title 33, N.J.A.C. 13:2 and City of Hoboken Municipal Code, Chapter 68.
- T. Alcoholic beverages, when permitted under this article, shall not be served or consumed on any sidewalk or any other public area which is outside the partitioned area of the sidewalk café.
- U. No persons other than those being served and restaurant personnel shall be within the sidewalk café area except for those persons passing through the sidewalk café to enter or exit the restaurant proper. No restaurant personnel shall serve café patrons from outside the partition.
- V. Holes drilled into the sidewalk for the support of movable partitions shall be capped when not in use.
- W. Restaurants that do not have table service, shall provide waste receptacle(s) for all used containers, wrappers, bottles, cans and other waste materials. The waste receptacles shall be located within the sidewalk café partitioned area, and shall be removed from the sidewalk along with other café equipment each day.